

JAN 14 2008

**PATENT
APPLICATION 10/685,821
ATTORNEY DOCKET 2002P20758US01 (1009-028)****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) **Boggs, Mark S.**
Application **10/685,821**
Confirmation **5269**
Filed **15 October 2003**
Application Title **Method for Utilizing a Memory Device for a PLC**
Art Unit **2185**
Latest Examiner **Choe, Yong J.**

Mail Stop Petitions

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PETITION TO WITHDRAW OFFICE ACTION FINALITY

Applicant respectfully petitions the Commissioner to withdraw the finality of the Office Action dated 15 November 2007 due to that Office Action's failure to address the substance of Applicant's arguments traversing the rejection of claim 6.

MPEP 707.07 requires that an Office Action must be complete as to all matters, must provide a clear explanation of all actions taken, and must answer in detail the substance of each of the submitted arguments.

In response to an Office Action dated 27 December 2008, Applicant filed a proper Reply on 16 March 2007, which is incorporated herein by reference. In traversing a rejection of claim 6, Applicant presented the following argument that stands unopposed in the present Office Action:

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By rejecting claims 1, 6, 16, 21, 26, 35 and 36 as a group, the present Office Action appears to improperly group claims together in a common rejection without any showing that the rejection is equally applicable to all claims in the group. That is never appropriate. *See* MPEP 707.07(d). For example, unlike the other claims in the rejected group, claim 6 states "prompting a user to select an identifying stamp for records in a data log file, the data log file having a structure stored separately from the data log file in the memory cartridge". The omnibus rejection of claim groups by the references relied upon in the Office Action makes no mention of "prompting a user to select an identifying stamp for records in a data log file, the data log file having a structure stored separately from the data log file in the memory cartridge", and fails to point out where, in any of the references, that limitation is disclosed. In view of the failure of the Office Action to satisfy the requirements of MPEP 707.07(d), the next Office Action should not be final.

The present Office Action fails to respond whatsoever to this previously presented and persuasive argument. For at least this reason, Applicant respectfully submits that the finality of the 15 November 2007 Office Action is premature. Thus, Applicant respectfully requests that the finality of the 15 November 2007 Office Action be withdrawn.

Submitted herewith please find the Petition fee under 37 C.F.R. 1.17 (h), which Applicant respectfully requests be refunded.

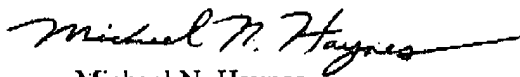
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CONCLUSION

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. 1.16 or 1.17 to Deposit Account No. 50-2504. The Examiner is invited to contact the undersigned at 434-972-9988 to discuss any matter regarding this application.

Respectfully submitted,

Michael Haynes PLC



Michael N. Haynes

Registration No. 40,014

Date: 12 January 2008

1341 Huntersfield Close

Keswick, VA 22947

Telephone: 434-972-9988

Facsimile: 815-550-8850